



## **Cave Springs, Arkansas**

### **Planning and Development Department**

---

#### **CAVE SPRINGS PLANNING COMMISSION (CSPC)**

#### **August 2, 2016**

#### **STAFF REPORT**

---

**FILE:** CSLS-16-01 and CSZ-16-07 | Lot-Split and Rezoning  
**OWNERS:** Roderick G. and Kathleen I. Wallis  
**ADDRESS:** 568 Shores Avenue, Cave Springs, AR 72718  
**PARCEL:** 05-10104-000  
**STR:** Section 31, Township 19 North, Range 30 West

**PARENT LEGAL:** Part of the fractional sw1/4 of section 31, township 19 north, range 30 west of the fifth principal meridian, Benton county, Arkansas, more particularly described as follows: commencing at the SW corner of said fractional sw1/4, being a found iron pin in a county road as shown on plat n at page 196, thence south 89°43'53" east 130.0 feet to an iron pin for the point of beginning, thence north 00°00' west 180.0 feet to an iron pin, thence south 89°43'53" east 163.40 feet to an iron pin; thence south 00°00' east 180.00 feet to an iron pin; thence north 89°43'53" west 163.50 feet to the point of beginning. Subject to the right of way of a county road on the south side thereof. And part of the fractional sw1/4 of section 31, township 19 north, range 30 west of the 5th principal meridian, Benton county, Arkansas, more particularly described as follows: commencing at the SW corner of said fractional sw1/4, being a found iron pin in a county road as shown on plat record n at page 196; thence south 89°43'53" east 293.50 feet to an iron pin for the point of beginning, thence north 00°00' west 180.00 feet to an iron pin; thence north 89°43'53" west 293.50 feet to an iron pin; thence north 00°00' west 656.57 feet to an iron pin; thence south 89°43'53" east 323.50 feet to an iron pin; thence south 00°00' east 836.57 feet to a found iron pin; thence north 89°43'53" west 30.00 feet to the point of beginning. Subject to the right of way of a county road on the south side thereof.

**LOT SIZE:** 5.68 acres (247,421 ft<sup>2</sup>)  
**ZONING:** Non-Conforming A-1 General Agricultural District  
**EXISTING USE:** Unlicensed and Non-Zoned Commercial and Rural Residential  
**APPLICANTS:** Roderick G. and Kathleen I. Wallis  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

---

## REQUEST:

The applicants, Roderick G. and Kathleen I. Wallis, request a Lot-Split (**CSLS-16-04**) and the approval of a Rezoning (**CSZ-16-07**) of an original tract containing 5.68 acres currently zoned A-1 General Agricultural District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District, to legally operate a Household Repair Service for an upholstery business. In conjunction with the Planning Commission requests, the applicants have also requested an additional approval of one (1) variance (**CSBZA-16-05**) from the Board of Zoning Adjustment (BZA) for Lot Width from the required two-hundred (200) linear feet to a requested thirty (30) linear feet along Shores Avenue for proposed Tract 1, where the applicants currently reside.

## APPLICABLE CITY CODE SECTIONS:

Planning and Zoning Schedule of Uses of Cave Springs, AR | Ordinance 2013-11

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2012-09

*Article 6. District Regulations*

*Section 6.1 Agricultural and Residential Districts*

*Section 6.1.2 A-1 General Agricultural District*

**(NEWLY ADOPTED) Section 6.2 A-2 Suburban Agricultural District**

*Section 6.4 Commercial District*

*Section 6.4.2 C-2 General and Highway Commercial Zoning District*

*Article 10. General Standards*

*Section 10.1 Off-Street Parking and Loading*

*Article 11. Board of Zoning Adjustment*

*Section 11.3.2 Variances*

*Article 12. Administration and Enforcement*

*Section 12.5 Amendments*

Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03

*Section 2. Platting Procedures*

## BACKGROUND:

This is a request for a Lot-Split and Rezoning on a property within the City of Cave Springs, Benton County, Arkansas. The original tract for CSLS-16-04 and CSPCZ-16-07 has an area of 5.68 acres (247,421 ft<sup>2</sup>) and is located at 568 W. Shores Avenue, West Shores Avenue, is a Cave Springs maintained Major Collector Street. The Lot-Split and Rezoning are requesting two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District, to legally operate a Household Repair Service for an upholstery business. In conjunction with the Planning Commission requests, the applicants have also requested an additional approval of one (1) variance (CSBZA-16-05) from the Board of Zoning Adjustment (BZA) for Lot Width from the required two-hundred (200) linear feet to a requested thirty (30) linear feet along Shores Avenue for proposed Tract 1, where the applicants currently reside.

Within the past year there has been one (1) documented Code Enforcement violation and multiple complaints about the subject property related to the illegal operation of a commercial business without the required zoning or City of Cave Springs Business License. As of May 2016, the applicants have submitted a Business License application for a Household Repair Service for an upholstery business. The City will issue the Business License contingent upon the subject property having an approved Lot-

Split and Rezoning, and conforming to the Planning and Zoning Regulations in addition to the Board of Zoning (BZA) approving the requested variance (CSBZA-16-05) for Lot Width.

Attached to this Staff Report, is copy of the proposed Survey illustrating and detailing the proposed dimensions of the Lot-Split.

### **SURROUNDING LAND USE AND ZONING:**

The subject property is currently zoned A-1 General Agricultural District and developed with an inhabited 1,456 ft<sup>2</sup> single-family dwelling and two (2) metal structures; one of 1,344 ft<sup>2</sup> and the other of 1,500 ft<sup>2</sup> both currently being utilized for the unlicensed Household Repair Service for an upholstery business. The surrounding properties to the East and West are similarly zoned A-1 General Agricultural and the property to the North is currently being rezoned to A-2 Suburban Agriculture. The properties located to the South are zoned A-1 General Agricultural and C-3 Neighborhood Commercial. The character of the property and surrounding area is agricultural/rural residential/neighborhood commercial.

North:	Proposed A-2 Suburban Agricultural
East:	A-1 General Agricultural
South:	A-1 General Agricultural and C-3 Neighborhood Commercial
West:	Non-Conforming A-1 General Agricultural

(Attached to this Staff Report, is a Zoning Map of the subject property)

**Comprehensive Plan:** No Future Land Use Map (FLUM) coverage

**Flood Zone:**

Proposed Tract 1:  
Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

Proposed Tract 2:  
Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

### **REVIEW AND ANALYSIS OF FINDINGS FOR CSLS-16-04 and CSCZ-16-07:**

The Lot-Split (CSLS-16-04) would not be supported in an *A-1 General Agricultural District* for proposed Tract 1 because of the minimum Lot Area requirement of five (5) acres. The rezoning (CSPCZ-16-07) for proposed Tract 2 to an *C-2 General and Highway Commercial Zoning District* would allow both the tract to meet the minimum Site Development Standards and to legally operate a Household Repair Service for an upholstery business. This lot-split and rezoning request is consistent with the surrounding land uses. CSLS-16-04 and CSZ-16-07 are companion applications and one cannot be approved without the other.

### **PUBLIC COMMENTS:**

As of the writing of this report, staff has received no comments or concerns from the notified public.

### **LOT-SPLIT AND REZONING FINDINGS AND CONCLUSIONS OF LAW:**

Findings of Fact:

1. It is staff's conclusion that the application meets the required findings for approval of the Lot-Split and Rezoning as submitted. Staff therefore recommends **Approval** of the Lot-Split and Rezoning subject to the specific conditions as outlined in the staff recommendation.

Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Planning and Zoning Regulations and Subdivision Regulations of Cave Springs, AR regarding a Lot-Split and Rezoning.

**ALTERNATIVES:**

1. Approve the Lot-Split and Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the rezoning as submitted by the applicant subject to staff's recommended conditions, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

**STAFF RECOMMENDATION:**

**Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Lot-Split and Rezoning request as follows:

Staff recommends approval of the request for a Lot-Split (**CSLS-16-04**) and the approval of a Rezoning (**CSZ-16-07**) of an original tract containing 5.68 acres currently zoned A-1 General Agricultural District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District, to legally operate a Household Repair Service for an upholstery business.

**Plus the following numerical conditions:**

1. A current, signed and sealed Boundary and Topographic Survey prepared by a Certified Licensed Professional Land Surveyor or Licensed Qualified Engineer, for the lot-split shall be submitted to the Planning and Development Department no later than thirty (30) days.
2. The applicants will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.2 A-2 Suburban Agricultural District and Section 6.4.2 C-2 General and Highway Commercial Zoning District*, other than any specific variances granted by the Cave Springs Board of Zoning Adjustment (BZA).
3. An individual Water Service and Water Meter are required for each tract. Both individual water accounts must be set-up within thirty (30) days. The Commercial Water Service account for Tract 2 must be set-up in the tenant's name.
4. All sides of the subject property that abut an agricultural or residential property shall be enclosed with an opaque fence of not less than six (6) feet in height nor more than eight (8) feet. Said fence shall be maintained continuously in good condition and be completely constructed within three (3) months or the Household Repair Service for an upholstery business the will be

required to cease operation until said fence is constructed. No materials related to the business are permitted to be permanently or temporarily stored on the subject property nor shall any materials whatsoever be piled higher than said fence.

5. All required parking spaces and drives on Tract 2 of 0.67 acres zoned C-2 General and Highway Commercial Zoning District must be paved with a sealed surface concrete or asphalt, and curbed and maintained in a manner that no dust will result from continued use, pursuant to *Section 10.1 Off-Street Parking and Loading*. Said parking spaces and drives shall be maintained continuously in good condition and be completely constructed within three (3) months or the Household Repair Service for an upholstery business will be required to cease operation until said parking spaces and drives are constructed.
6. All lighting used for parking lots, off-street parking, and loading areas on Tract 2 shall be shielded and oriented to direct light downward and away from such areas to avoid causing a glare or condition that is unsafe or a nuisance. All exterior lighting shall be white lighting only. All lighting shall be contained onsite.
7. A Building Permit application for the required fence and paved parking spaces and drives must be submitted, reviewed and approved within thirty (30) days.
8. The applicants, any future tenant or any future owner shall contact the Cave Springs Planning and Development Department and shall return to the Planning Commission and if applicable the Board of Zoning Adjustment (BZA), if any change in use is proposed or alteration of hours of operation from 8:00 am to 8:00 pm, Monday through Friday or if any changes are proposed to increase the square footage of the existing commercial structure on the subject property.
9. The applicants must execute the Decision of Record as required by the Cave Springs Planning and Zoning Regulations upon final action by the Planning Commission fifteen (15) days after the Planning Commission has made its decision and prior to issuance of the business license; A copy of the signed Decision of Record shall be recorded by the applicants with the Cave Springs City Recorder.
10. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Surrounding Zoning Map (1 page)
3. Applicant Statement (1 page)
4. Survey (1 page)
5. Site Plan (1 page)